IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 25577 of 2007(T)

PETITIONER:

THE BADAKARA SAHAKARANA ASUPATHRI LTD.,
NO.D 2411, VADAKARA, KOZHIKKODE DIST.,
REP. BY ITS SECRETARY.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF HEALTH & FAMILY WELFARE,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. INDIAN NURSING COUNCIL, REP. BY ITS
SECRETARY, COMBINED COUNCILS BUILDING,
KOTLA ROAD, TEMPLE LANE, NEW DELHI-110002.

3. KERALA NURSES AND MIDWIVES COUNCIL,
REP. BY ITS REGISTRAR, RED CROSS ROAD,
THIRUVANANTHAPURAM.

4. KERALA LOK AYUKTA,
REP. BY ITS REGISTRAR,
THIRUVANANTHAPURAM.

5. T.K.SARALA BAI,
89 VISHAKH, CHEMPAKA NAGAR,
OOTTUKUZHIK, THIRUVANANTHAPURAM.

6. KOCHU THRESSIAMMA THOMAS,
TC 11/801, B5, KRISHNA NAGAR,
PATTOM P.O., THIRUVANANTHAPURAM.

7. VALSA K.PANICKER,
KARUNYAM, SANGEETHA NAGAR,
PANAKAPARA P.O., THIRUVANANTHAPURAM.

8. INDIRAMMA J.S., KALEEKKAL,
NADUVILAMURI, PADANILAM, NOORANADU,
ALAPPUZHA.

BY ADV. SRI.N.RAGHURAJ, SC, TCMC & KNMC
SRI.N.RAGHURAJ, SC, TCMC & KNMC
SRI.NOUSHAD THOTTATHIL,SC,INDIAN NURSIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, ALONG WITH WPC NO. 25625 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) Nos. 25577 & 25625 of 2007

Dated this the 11th day of September, 2007

J U D G M E N T

In both these cases, the petitioners, whose sanctioned intake was 20, applied to the 3rd respondent for enhancing the same to 30. Considering the request, the 3rd respondent passed Exhibit - P7 order retaining the intake at 20 only. The reason for doing this is that the 4th respondent had passed Exhibit P8 and P8 (a) orders directing that the Council should not take upon them the responsibility of granting recognition to any new institution for admitting new students. It is on account of the aforesaid restriction imposed by the 4th respondent that these orders came to be passed. Exhibits P8 and P8 (a) are orders passed on a complaint regarding the legality of the constitution and election to the Nursing Council. Such dispute need not stand in the way of the Council exercising its statutory functions.

Therefore, I do not find any justification to restrain the Council from exercising such statutory powers. Accordingly, I

direct the 3rd respondent Council to consider Exhibit -P6 application in both these cases for enhancing the intake of students and pass appropriate orders thereon.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007